

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 10/8/2015

Action Requested By:  
Community  
Development

Agenda Item Type  
Resolution

Subject Matter:

Request to authorize the demolition of an unsafe structure

Exact Wording for the Agenda:

Public Hearing on a Resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 2139 Davidson St., NE

Note: If amendment, please state title and number of the original

Item to be considered for: Select... Unanimous Consent Required: Select...

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

The above referenced property was cited , under § 11-40-30 et seq., Code of Alabama (1975), as a public nuisance. This is the state law allowing Community Development to sell said property at tax sale if the owner does not pay costs of demolition. The owners were issued a notice to demolish the structure. No work has been done. Property was inspected by an independent contractor and they determined the structure was not economically feasible to repair. Notice, photos and evaluation are attached.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Mr. Robert Jordan Date: 9/1/2015

**RESOLUTION NO: 15-\_\_\_\_\_**

**WHEREAS**, the Director of Community Development for the City of Huntsville, Alabama, has inspected or caused to be inspected the property situated at 2139 Davidson St NE in Huntsville, Alabama, and has determined that the structure, including any and all accessory structures, is unsafe; and

**WHEREAS**, the Director of Community Development for the City of Huntsville, Alabama, did on the 11th day of August, 2015, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 15-5064PNS, a copy of which is attached hereto as EXHIBIT "A", being substantially similar in words to that document identified as "NOTICE OF PUBLIC NUISANCE", a copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville; and

**WHEREAS**, any structure located on said property has not been demolished as required by said notice, and no appeal having been taken therefrom as by law provided; and

**WHEREAS**, photographs showing the condition of the property are attached hereto as EXHIBIT "B"; and

**WHEREAS**, independent contractors have inspected the structure(s) and determined that the cost of repair and rehabilitation is not economically feasible and is of the opinion that the structure(s) should be demolished, and has given a written statement to that effect, a copy of which is attached hereto as EXHIBIT "C"; and

**WHEREAS**, in the judgement of the Director of the Department of Community Development of the City of Huntsville, Alabama, the structure(s) in question cannot be reasonably repaired, and that demolition of the structure, including any and all accessory structures, is necessary to protect the public health, safety and general welfare.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Huntsville, Alabama, that upon the expiration of ten (10) days from today's date, the Director of the Department of Community Development, City of Huntsville, Alabama, is authorized to proceed, pursuant to § 11-40-30 et seq., Code of Alabama (1975), to demolish and remove the structure(s) and contents, if any, at 2139 Davidson St NE more particularly described as follows to-wit:

**LOT 73 LINCOLN PARK 3RD ADD**

and to assess the reasonable costs for demolition and removal of debris against said property.

RESOLUTION NO: 15-\_\_\_\_\_

**BE IT FURTHER RESOLVED**, by the City Council of the City of Huntsville, Alabama, that the Director of Community Development, or his/her appointed designee, is hereby authorized to take all lawful and necessary actions to accomplish the foregoing.

**ADOPTED** this the 8th day of October, 2015.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville, Alabama

**APPROVED** this the 8th day of October, 2015.

\_\_\_\_\_  
Mayor of the City of Huntsville, Alabama

**Department of Community Development  
Code Enforcement Division**

Kenneth Benion, Director, Community Development



120 Holmes Avenue E.  
P.O. Box 308  
Huntsville, AL 35804

Phone: (256) 427-5400, FAX: (256) 427-5431

Area: 2 CT: T30 CD: 2

PV: 0

Insp.: dwa/was

FINAL: 9/10/2015

## OFFICIAL NOTICE NO. 15-5064PNS

(Heirs of) Mattie Smith  
c/o Bobby C. Smith  
3705 Sparkman Dr., NW  
Huntsville, AL 35810

**Re: 2139 Davidson St NE**

PPIN: 14211 PARCEL: 14-07-25-1-002-046.000

Legal Description: LOT 73 LINCOLN PARK 3RD ADD

Date Inspected: 7/28/2015

Notice Issued: 8/11/2015

DEMOLISH BY: 9/10/2015

In accordance with Sec. 11-40-30 et seq., Code of Alabama (1975), the Housing Official of the City of Huntsville, Alabama has determined that the structure located on the property described above is unsafe and constitutes a public nuisance due to the following conditions:

### VIOLATIONS

- Unit lacks direct-wired electrical smoke detector(s) (must have on-board battery back-up).
- Hasp lock assembly is prohibited on exterior door: front
- Electrical outlet not properly installed: right rear bedroom, front right bedroom
- Electrical outlet cover missing: right middle bedroom
- Interior floor has hole: living room, left middle bedroom, right middle bedroom
- Interior floor incapable of bearing load: left utility room
- Interior wall has hole: front right bedroom, kitchen, bathroom, left utility room, right utility room, right middle bedroom
- Interior wall not in good repair: living room, front right bedroom, right middle bedroom, kitchen, bathroom, left utility room, right utility room, left middle bedroom
- Interior ceiling has hole: living room, left middle bedroom, kitchen, bathroom, right utility room
- Interior ceiling not in good repair: living room, front right bedroom, right middle bedroom, left middle bedroom, kitchen, bathroom, right utility room
- Splice in electrical wiring must be in approved junction box: right rear balcony
- Electrical outlet not ground-fault circuit interrupter (GFI) protected: bathroom
- Interior floor not impervious to water: kitchen, bathroom
- Foundation wall has holes: front, right
- Foundation wall has cracks: left, rear
- Foundation vent missing: left
- Access door rotted: left
- Access door damaged: left
- Exterior wall has hole: rear
- Window pane broken: rear
- Window sill rotted: left, front
- Roof has hole: left, rear
- Roof decking rotted: left, rear
- Step damaged: rear
- Step loose: rear

*9/11/15 No Change way 1105am*

## OFFICIAL NOTICE NO. 15-5064PNS (Cont.)

- ♦ Step protective railing missing: rear.
- ♦ Foundation sill rotted & missing: right, rear  
Foundation not in good repair: rear  
Windows not in good repair: front, left, right, rear  
Windows lack putty: front, left, right, rear  
Window sashes rotted: left, right  
Doors not weathertight: front, rear  
Uncapped gas line - right middle bedroom  
Wiring below 8' minimum height: living room, left utility room, right utility room, right rear bedroom  
Light fixtures not wall switch controlled: living room, right middle bedroom, left middle bedroom, kitchen  
Bare exposed wiring: right utility room  
Bathroom cannot open to kitchen  
Door missing: bathroom  
Door hardware missing: left middle bedroom, right rear bedroom, bathroom  
Exterior light fixture globe missing: rear  
Facia has paint peeling, flaking & chipped: front, left, right  
Trim has paint peeling, flaking & chipped: front, left, right, rear  
Porch ceiling has paint peeling, flaking, & chipped: front  
Eaves have paint peeling, flaking & chipped: front, left, right, rear  
Chimney has brick mortar missing and in danger of collapse  
Electrical service mast missing: rear  
Interior floor(s) in danger of collapse: left utility room  
Interior ceiling(s) in danger of collapse: living room, left middle bedroom, right utility room, right middle bedroom, front right bedroom

## NOTICE TO DEMOLISH STRUCTURE

This structure must be demolished and removed prior to: 9/10/2015

Demolition permits must be obtained from the City of Huntsville Inspection Department and work commenced and completed by the specified date.

Failure to comply with this notice by the specified date may result in the property being presented to the City Council as a public nuisance for demolition by the City of Huntsville. If the City of Huntsville demolishes the structure, all costs incurred will be assessed against the property and will be added to the tax bill of the property. Failure to pay the assessment will result in foreclosure and the property being sold.

REQUEST FOR HEARING: Any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing to the City Council of the City of Huntsville, Alabama. The written request must be received by the City Council of the City of Huntsville prior to 9/1/2015. The written request must contain the objections to the finding by the Housing Official that the building or structure is unsafe to the extent of being a public nuisance. The request may be mailed or delivered to:

CITY COUNCIL OF THE CITY OF HUNTSVILLE  
P.O. BOX 308  
308 FOUNTAIN CIRCLE  
HUNTSVILLE, AL 35801

Your cooperation will be appreciated. For questions related to this notice, please call Don Alford, Housing Specialist, at (256) 427-5405.

9/11/15 No change mgs 1105

Don Alford, Housing Specialist  
Phone: (256) 427-5405

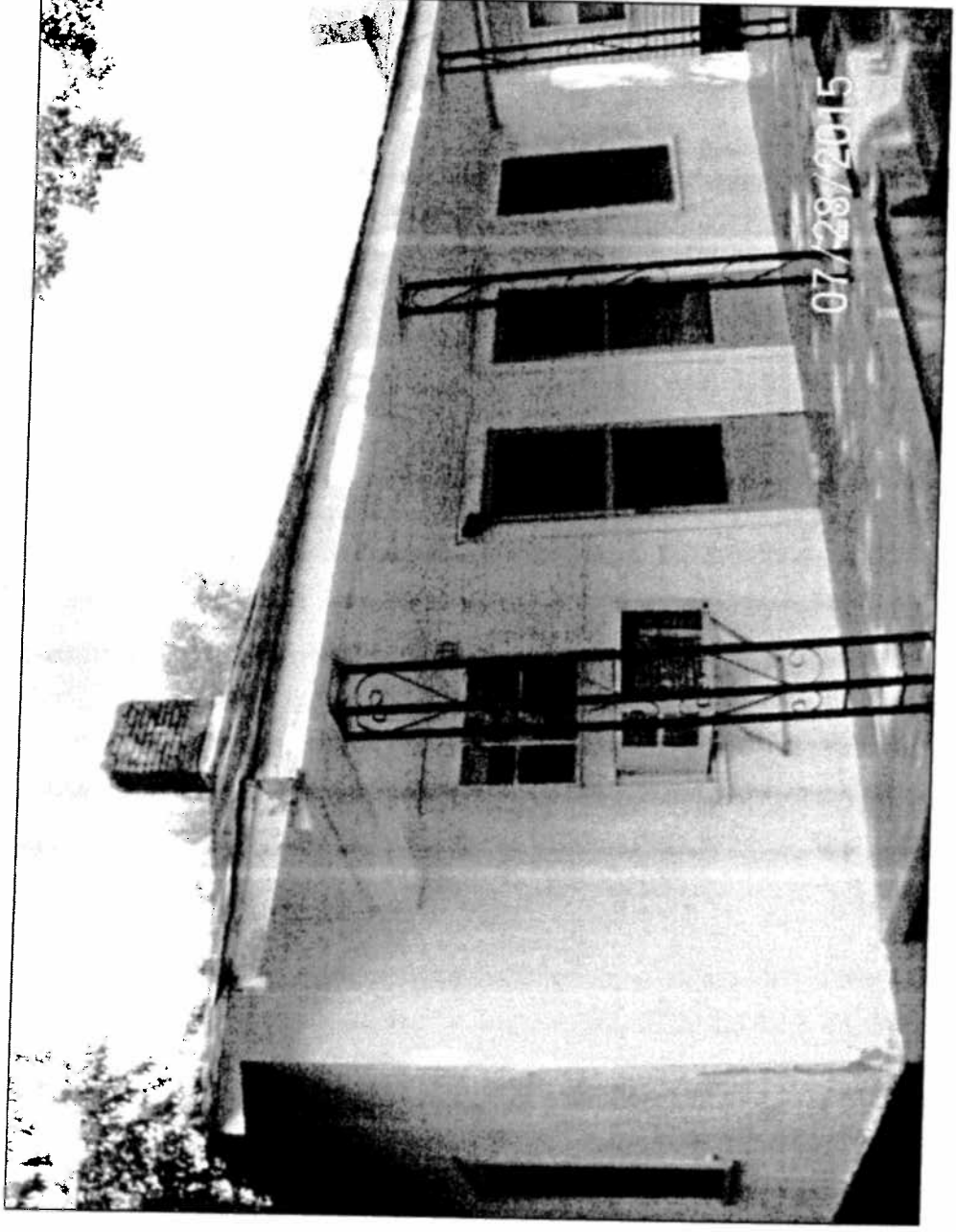
## OFFICIAL NOTICE NO. 15-5064PNS (Cont.)

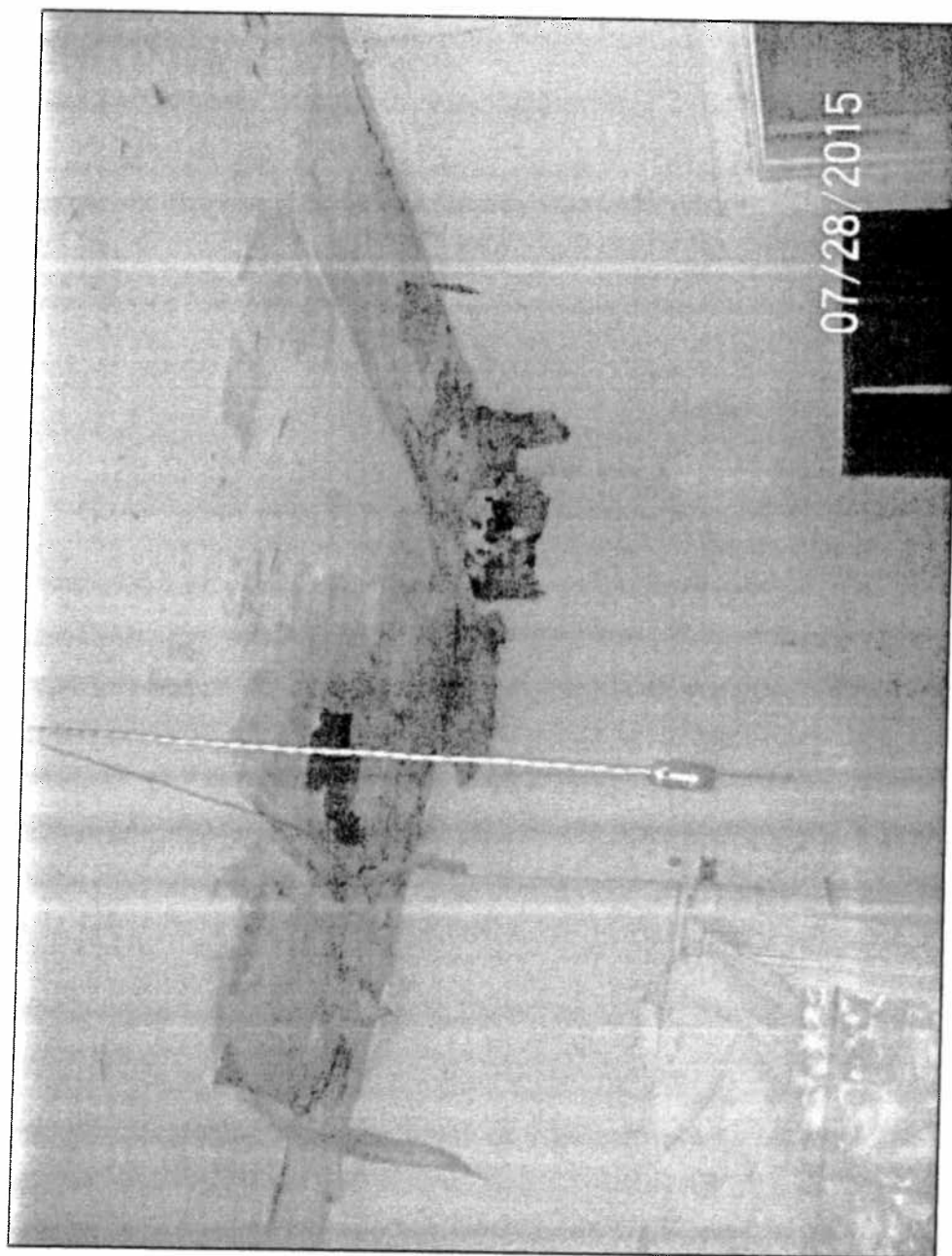
**cc:**

(Heirs of) Mattie Smith  
c/o Bobby C. Smith  
3705 Sparkman Dr., NW  
Huntsville, AL 35810

EXHIBIT "B"

2139 Davidson St.



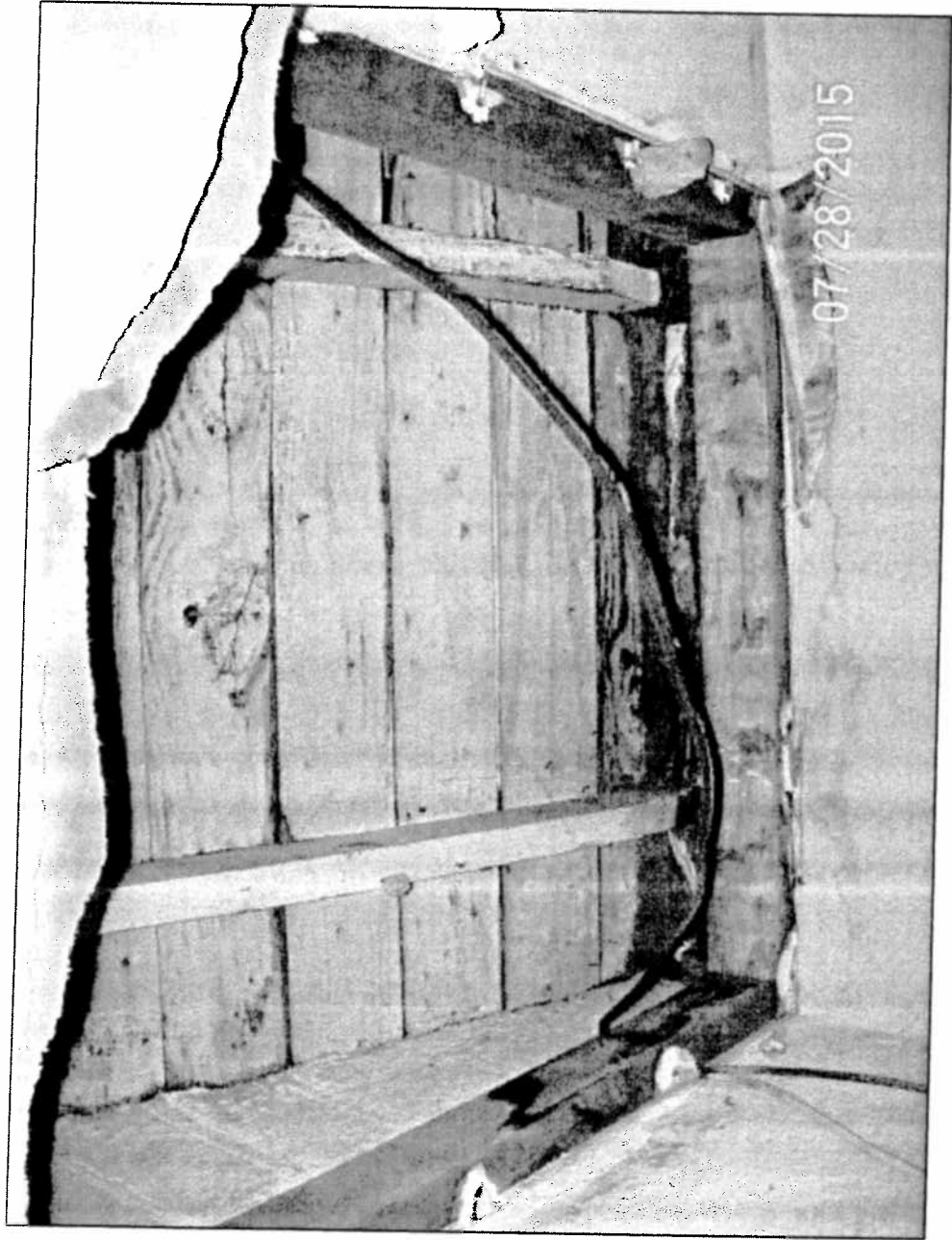




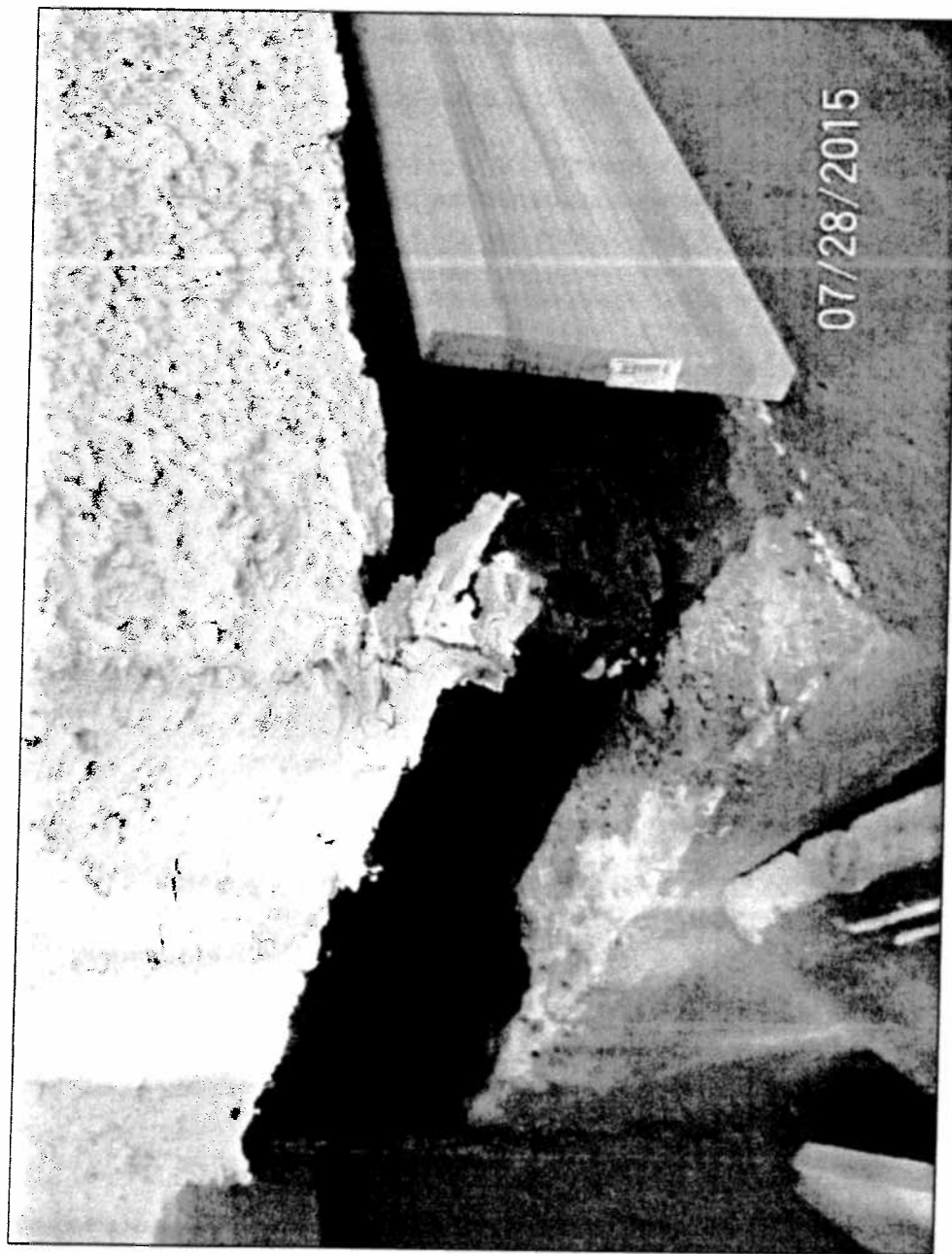


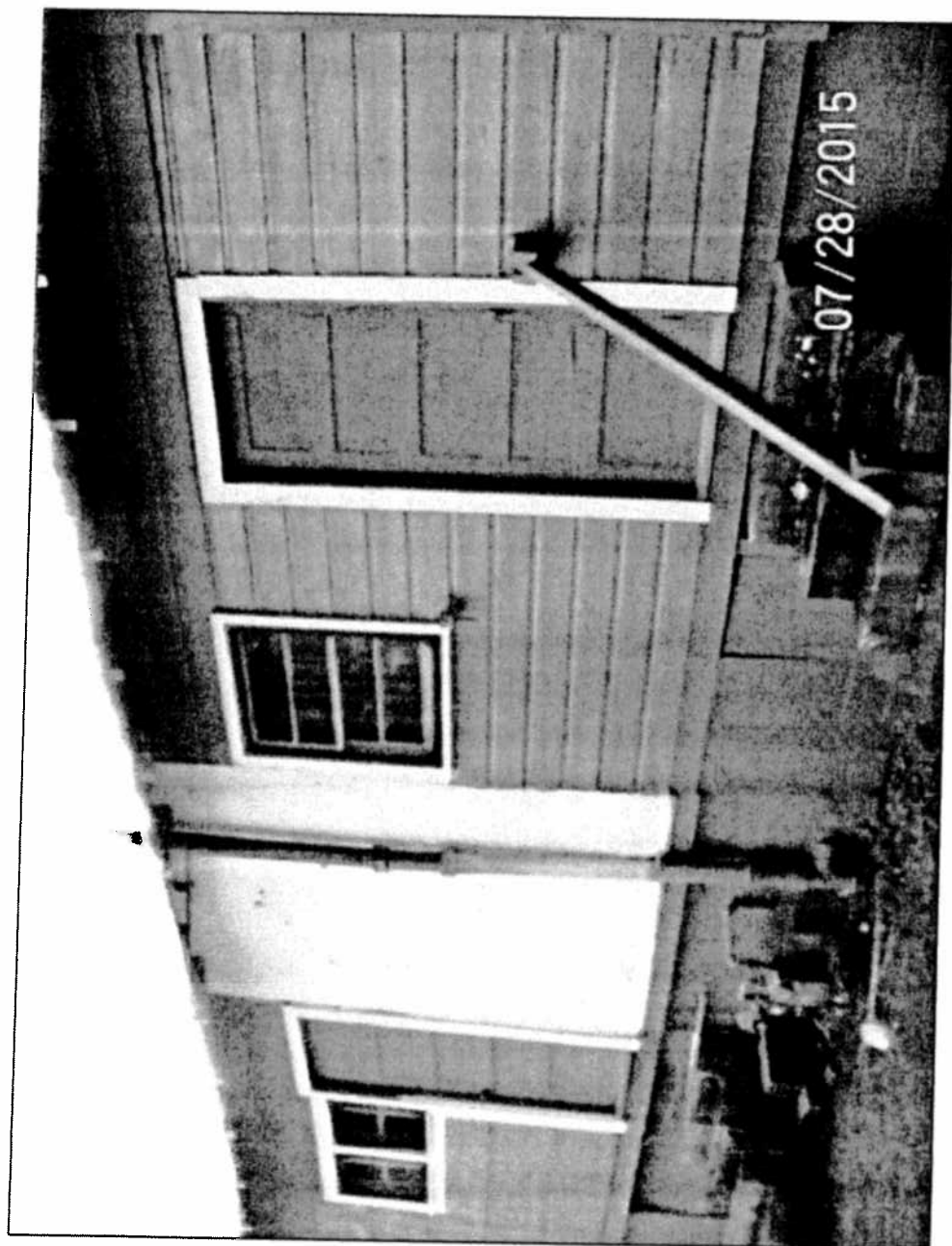






07/28/2015





# STRUCTURAL EVALUATION REPORT

EXHIBIT "C"

ADDRESS OF STRUCTURE:

2139 Davidson St.

INSPECTOR'S NAME:

DAN Schrimsher

TITLE:

Co-Owner/Foreman

COMPANY NAME:

Bobby Schrimsher & Sons Gen. Contr. Inc.

PHONE:

256-533-3560

NUMBER OF DWELLING UNITS

1

NUMBER OF STORIES

1

CONSTRUCTION: Wood Frame

☒

Frame/Veneer

Masonry

Other

APPROXIMATE SIZE OF STRUCTURE:

29

ft. x

50

ft. =

1450

s/f

\*\* ASBESTOS SIDING or ROOFING:

☒ NO

YES

(Appx. S/F =

)

## COMPONENTS

## PERCENTAGE REPLACEMENT REQUIRED

### I. EXTERIOR

1) FOUNDATION:

0 1 2 3 4 5 6 7 8 9 10

2) FLOOR SYSTEM

0 1 2 3 4 5 6 7 8 9 10

3) FRAMING:

0 1 2 3 4 5 6 7 8 9 10

4) ROOF SYSTEM:

0 1 2 3 4 5 6 7 8 9 10

EXTERIOR TOTAL =

26

### II. INTERIOR

1) INT. FLOORS

0 1 2 3 4 5 6 7 8 9 10

2) INT. WALLS

0 1 2 3 4 5 6 7 8 9 10

3) INT. CEILINGS

0 1 2 3 4 5 6 7 8 9 10

INTERIOR TOTAL =

30

### III. UTILITY SYSTEMS

1) ELECTRICAL SYSTEM

0 1 2 3 4 5 6 7 8 9 10

2) HEATING SYSTEM

0 1 2 3 4 5 6 7 8 9 10

3) PLUMBING SYSTEM

0 1 2 3 4 5 6 7 8 9 10

UTILITY SYSTEM TOTAL =

30

### IV. OTHER DEFICIENCIES (if applicable)

1)

Window units

0 1 2 3 4 5 6 7 8 9 10

2)

0 1 2 3 4 5 6 7 8 9 10

OTHER DEFICIENCIES TOTAL =

8

GRAND TOTAL POINT RATING =

74

FEASIBILITY OF REPAIR: RATING 50 or MORE -

REHAB NOT FEASIBLE

☒

RATING 49 or LESS -

REHAB FEASIBLE

☐

REMARKS:

Property appears to have been vacant for extended period of time and repairs to said property have been neglected.